

EXHIBIT 176

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS,)
et al.,)
Plaintiffs,)
vs.) CASE NO. 4:20-cv-00957-SD
GOOGLE LLC,)
Defendant.)

30(b)(6) DEPOSITION OF
JEFF PICKETT
ON BEHALF OF THE STATE OF ALASKA
MAY 3, 2024

ORAL VIDEOTAPED DEPOSITION OF JEFF PICKETT, via
Zoom, produced as a witness at the instance of the
Defendant and duly sworn, was taken in the above-styled
and numbered cause on the 3rd day of May, 2024, from
12:15 p.m. to 3:03 p.m. Alaska Standard Time, before
Melinda Barre, Certified Shorthand Reporter in and for
the State of Texas, reported by computerized stenotype
machine, all parties appearing remotely via web
videoconference, pursuant to the rules of procedure and
the provisions stated on the record or attached hereto.

Job No. CS6655711

1 a lawsuit, I mean, not jurisdiction or whatever.

2 So there has to be some nexus between the
3 conduct and the State of Alaska. So we would definitely
4 look for that nexus before filing a suit, lawsuit.

5 Q. In this particular litigation what was that
6 nexus to Alaska?

7 A. So through the course of the information and
8 evidence developed in the coalition's investigation,
9 what became apparent was that the Google conduct that we
10 focused on in the Ad Tech matter was national in scope
11 and, therefore, impacted Alaskans. I believe there's
12 likely to be expert testimony that sort of backs that
13 up.

14 And so that was, you know -- that checked
15 that box to answer, I think, the question that you've
16 asked me.

17 Q. In what venue does the Alaska AGO's office
18 typically bring state law enforcement actions?

19 A. State law enforcement actions? I mean, if only
20 state law is implicated, it would be in our trial
21 courts, state trial courts. We refer to them as
22 superior courts. Typically we have a district court
23 that's also a trial court, but it handles smaller types
24 of cases.

25 But if there are federal claims that

1 Q. And you're prepared to testify about these
2 today as they relate to the State of Alaska. Is that
3 right?

4 A. Yes.

5 Q. Did Alaska receive any consumer complaints
6 about Google's Display Advertising products?

7 A. No.

8 Q. Okay. So for clarification purposes, if we can
9 turn to RFA 3, which is at page 5. It goes on to 6.

10 THE VIDEOGRAPHER: Mr. Pickett, just to
11 let you know, if I don't take back control, you can
12 always take it back. Just click on the mouse, and then
13 you should regain control of the document whenever you
14 need to.

15 THE WITNESS: Okay. Thanks.

16 BY MS. LEONARD:

17 Q. And just to clarify, what is Alaska's response
18 to RFA No. 3?

19 A. Okay. So, you know, part of the response, of
20 course, are the objections. And then in terms of our
21 substantive response, I'll read it. "The plaintiff
22 states have produced complaints regarding Google's
23 Display Advertising or Ad Tech that are relevant and
24 within their possession, custody and control. Subject
25 to and without waiving the foregoing objections, the

1 harmed.

2 Q. So Alaska doesn't have any Alaska-specific harm
3 in addition to the information that Alaska's relying on
4 from Texas' representative?

5 MR. ENGELBECK: Objection, form.

6 A. Well, Alaska specific. I mean, I think that
7 what -- you know, some of that question I would have to
8 answer by pointing to expert sort of reports that will
9 be coming out.

10 And then, in addition to what the experts
11 are going to talk about, will include, as I understand
12 it, Alaska based -- you know, how Google's tech has
13 intersected with or been used in Alaska. In addition to
14 that, Mr. Gordon, I think, gave fulsome responses to the
15 common facts that we believe also exist -- that also
16 attend Google products in tech that is used by Alaskan
17 publishers and advertisers.

18 But to kind of preemptive guess the next
19 question, I have not and the State of Alaska has not
20 talked to a specific advertiser based in Alaska or
21 specific publisher based in Alaska. As part of our
22 investigation, we have not done that.

23 BY MS. LEONARD:

24 Q. Okay. So you say Alaska has not identified a
25 specific advertiser or publisher in Alaska that has been

1 BY MS. LEONARD:

2 Q. Just want to close out our discussion about the
3 consumer complaints that we talked about earlier. And
4 just to clarify, you said there were no consumer
5 complaints about Google's Display Advertising or Ad
6 Tech. You didn't search other types of complaints
7 against Google.

8 So what Alaska-specific harm are you
9 seeking penalties for in the fourth amended complaint?

10 MR. ENGELBECK: Objection, form.

11 A. So just to clarify one piece of what you just
12 said, we did search for Alaska -- or for consumer
13 complaints against Google that we received involving
14 Google, and we found two. But neither of them had
15 anything to do with Ad Tech.

16 BY MS. LEONARD:

17 Q. Okay. So what is the Alaska-specific harm that
18 the State of Alaska is seeking penalties for in the
19 complaint?

20 A. Well, so again I would point to Mr. Gordon's
21 30(b)(6) deposition, the answers he gave, because the
22 common set of facts that he discussed apply equally in
23 Alaska.

24 Q. And so there are no unique facts specific to
25 Alaska that support Alaska's claims in the -- as alleged

1 in the fourth amended complaint?

2 A. Yeah. No facts that we're relying on that are
3 specific only to Alaska.

4 Q. I'm going to now turn to the types of claims
5 that are brought by the State of Alaska in the fourth
6 amended complaint.

7 For its federal antitrust claim, is Alaska
8 proceeding as parens patriae? And I apologize if I am
9 butchering that.

10 A. Yeah. We are proceeding as we are permitted to
11 under federal law. But, generally speaking, yes, we are
12 acting in our parens capacity, you know, on behalf of
13 our citizens.

14 Q. So on behalf of the citizens of Alaska?

15 A. Right, right. And when I say that, what I mean
16 is, you know, our legislature has invested [as spoken]
17 the Attorney General's Office with the authority to
18 enforce our consumer protections and/or antitrust laws.

19 So we are acting pursuant to that
20 authority. And our legislature granted the AG's office
21 that authority in order to protect the interests of
22 Alaskan citizens. And then we're permitted under
23 federal statute to sort of include or enforce certain
24 federal claims.

25 Q. And for the federal antitrust claim Alaska is

1 between 1,000 and \$25,000 for each violation.
2 Violations, you know -- so it's the same answer as I
3 just gave with respect to our antitrust statute in this
4 way.

5 You know, the factual basis for
6 calculating a violation has been described in
7 allegations contained in their complaint and, you know,
8 relevant responses and in the States' omnibus objections
9 and responses to interrogatory questions and then
10 Mr. Gordon's testimony which we designated him to
11 testify about common facts.

12 Q. Are there any Alaska-specific facts that Alaska
13 intends to base its civil penalties under state DTPA law
14 on?

15 A. Right, Alaska specific. As I understand that
16 question, I hear you asking me is there something we're
17 going to allege that doesn't exist anywhere else, a fact
18 that exists only in Alaska that supports a violation or,
19 you know, an assertion that this is a violation. The
20 answer to that question is no.

21 Q. Okay. And for the antitrust laws and the
22 maximum penalty under -- excuse me, maximum civil
23 penalties, there's no state -- Alaska-specific facts
24 that underlie that relief. Is that right?

25 A. Like unique only to Alaska, we are not

1 third parties in Alaska interviewed?

2 A. I am not aware of any third parties being
3 interviewed up here in Alaska.

4 Q. Can you identify any in-state Alaska publisher
5 that was harmed by the alleged conduct in the complaint?

6 A. That is not -- can I identify any -- I need to
7 make sure I heard that because you did cut out there a
8 second.

9 Q. I'm happy to repeat it.

10 A. Thank you.

11 Q. Can you identify any in-state Alaska publisher
12 that was harmed by the conduct alleged in the complaint?

13 A. No.

14 Q. Can you identify any in-state Alaska advertiser
15 that was harmed by the conduct alleged in the complaint?

16 A. No.

17 Q. Can you identify any in-state Ad Tech
18 competitor that was harmed by the conduct alleged in the
19 complaint?

20 A. No. And, again, with respect to the previous
21 two questions and this one, it's not something we looked
22 for.

23 MS. LEONARD: That is all that I have, and
24 I reserve my time.

25 MR. ENGELBECK: Well, then maybe we'll

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REPORTER'S CERTIFICATE
ORAL DEPOSITION OF JEFF PICKETT
May 3, 2024

I, Melinda Barre, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, JEFF PICKETT, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the original deposition was delivered to
Claire Leonard.

That a copy of this certificate was served on all
parties and/or the witness shown herein
on May 6, 2024.

I further certify that pursuant to FRCP Rule

1 30(f)(1), that the signature of the deponent:

2 _____ was requested by the deponent or a party before
3 the completion of the deposition and that the signature is
4 to be before any notary public and returned within 30 days
5 from date of receipt of the transcript. If returned,
6 the attached Changes and Signature Page contains any
7 changes and the reasons therefor:

8 _____ was not requested by the deponent or a
9 party before the completion of the deposition.

10 I further certify that I am neither counsel for,
11 related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 Certified to by me on this, the 6th day
16 of May, 2024.

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19 

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21 Melinda Barre

22 Texas CSR 2192

23 Expiration: 12/31/25
24
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1 COUNTY OF HARRIS)

2 STATE OF TEXAS)

3 I hereby certify that the witness was notified on
4 May 6, 2024 that the witness has 30 days or (____
5 days per agreement of counsel) after being notified by
6 the officer that the transcript is available for review
7 by the witness and if there are changes in the form or
8 substance to be made, then the witness shall sign a
9 statement reciting such changes and the reasons given by
10 the witness for making them;

11 That the witness' signature was/was not returned as
12 of June 5, 2024.

13 Subscribed and sworn to on this, the ____ day of
14 _____, 2024.

15
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19
20 Melinda Barre

Texas CSR 2192

21 Expiration: 12/31/25
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